

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TENNESSEE  
WESTERN DIVISION

FILED BY  D.C.

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CLINET SHIVES and  
KENNETH SHIVES,

THOMAS M. GOULD  
CLERK, U.S. DISTRICT COURT  
W/D OF TN, MEMPHIS

Plaintiffs,

VS

CIVIL NO. 2:05cv2542 B/V  
JURY DEMANDED

SCHNUCK MARKETS, INC.

Defendant.

~~PROPOSED~~ SCHEDULING ORDER

1. Pursuant to the scheduling conference set by written notice, the following dates are established as the final dates for:

INITIAL DISCLOSURES: September 7, 2005

JOINING PARTIES: October 25, 2005

AMENDING PLEADINGS: October 25, 2005

INITIAL MOTIONS TO DISMISS: November 28, 2005

COMPLETING ALL DISCOVERY: February 24, 2006

(a) Document Production: February 24, 2006

(b) Depositions, Interrogatories and Requests for Admission: February 24, 2006

(c) Expert Witness Disclosure (Rule 26):

(1) Disclosure of Plaintiff's Rule 26 Expert

Information: December 26, 2005

(2) Disclosures of Defendants' Rule 26 Expert

Information: January 26, 2006

(3) Expert Witness Deposition: February 24, 2006

FILING DISPOSITIVE MOTIONS: March 24, 2006

OTHER RELEVANT MATTERS:

No depositions may be scheduled to occur after the discovery cutoff date. All motions, requests for admissions, or other filings that require a response must be filed sufficiently in advance of the discovery cutoff date to enable opposing counsel to respond by the time permitted by the Rules prior to that date.

Motions to compel discovery are to be filed and served by the discovery deadline or within 30 days of the default or service of the response, answer, or objection which is the subject of the motion if the default occurs within 30 days of the discovery deadline, unless the time for filing of such motion is extended for good cause shown, or any objection to the default, response, or answer shall be waived.

This case is set for jury trial, and the trial is expected to last three days. The pretrial order date, pretrial conference date, and trial date will be set by the presiding judge.

This case is appropriate for ADR. The parties are directed to engage in court-annexed attorney mediation or private mediation after the close of discovery.

The parties are reminded that pursuant to Local Rule 7(a)(1)(B), all motions, except motions pursuant to FRCP 12, 56, 59 and 60, shall be accompanied by a proposed Order.

The opposing party may file a response to any motion filed in this matter. Neither party may file an additional reply, however, without leave of the court. If a party believes that a reply is necessary, it shall file a motion for leave to file a reply accompanied by a memorandum setting forth the reasons for which a reply is required.

The parties have consented to trial before the Magistrate Judge.

This order has been entered after consultation with trial counsel pursuant to notice. Absent good cause shown, the scheduling dates set by this Order will not be modified or extended.

IT IS SO ORDERED.

A handwritten signature in cursive script, reading "Diane K. Vesco", written in dark ink.

DIANE K. VESCOVO  
UNITED STATES MAGISTRATE JUDGE

DATE: August 12, 2005



## Notice of Distribution

This notice confirms a copy of the document docketed as number 4 in case 2:05-CV-02542 was distributed by fax, mail, or direct printing on August 12, 2005 to the parties listed.

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Jimmy Moore  
CIRCUIT COURT, 30TH JUDICIAL DISTRICT  
140 Adams Ave.  
Rm. 224  
Memphis, TN 38103

Samuel L. Crain  
BURCH PORTER & JOHNSON  
130 N. Court Avenue  
Memphis, TN 38103

Kathleen B. Ball  
BALL & HURST  
3173 Poplar Ave  
Memphis, TN 38111

Courtney E. Ellis  
BURCH PORTER & JOHNSON  
130 N. Court Avenue  
Memphis, TN 38103

Honorable J. Breen  
US DISTRICT COURT